

AMENDED IN ASSEMBLY MARCH 27, 1919.

AMENDED IN ASSEMBLY MARCH 15, 1919.

# ASSEMBLY BILL

No. 196

INTRODUCED BY MR. BAKER,

January 17, 1919.

REFERRED TO COMMITTEE ON MEDICAL AND DENTAL LAWS.

*An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the state board of chiropractic examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith.*

*The people of the State of California do enact as follows:*

1 SECTION 1. A board is hereby created to be known as the  
2 "state board of chiropractic examiners," hereinafter referred  
3 to as the board, which shall consist of five members appointed  
4 by the governor. Each member must have pursued a resident  
5 course of not less than one thousand hours in a regularly  
6 chartered chiropractic school or college, and must be a gradu-  
7 ate thereof and hold a diploma therefrom.

8 Each member must have practiced chiropractic in the State  
9 of California for a period of three years next preceding the  
10 date upon which this act takes effect. No two persons shall  
11 serve simultaneously as members of said board, whose first  
12 diplomas were issued by the same school or college of chiro-  
13 practic, nor shall more than two members be residents of any  
14 one county of the state. No person connected financially or  
15 otherwise with any chiropractic school or college shall be  
16 eligible to appointment as a member of the board. Each  
17 member of the board shall receive a per diem of ten dollars  
18 for each day during which he or she is actually engaged in  
19 the discharge of his or her duty, together with his or her  
20 actual and necessary traveling expenses incurred in connection  
21 with the performance of the duties of his or her office, such  
22 per diem, traveling expenses and other incidental expenses of  
23 the board or of its members, to be paid out of the funds of  
24 the board hereinafter defined, and not otherwise.

1 SEC. 2. Within sixty days of the date upon which this act  
2 takes effect, the governor shall appoint the members of the  
3 board. Of the members first appointed one shall be appointed  
4 for a term of one year, two for two years and two for three  
5 years. Thereafter, each appointment shall be for the term of  
6 three years, except that an appointment to fill a vacancy shall  
7 be for the unexpired term only. Each member shall serve  
8 until his successor has been appointed and qualified. The  
9 governor may remove a member from the board after receiving  
10 sufficient proof of the inability or misconduct of said member.

11 SEC. 3. The board shall convene within thirty days after  
12 the appointment of its members, and shall organize by the  
13 election of a president, vice president and a secretary. The  
14 secretary shall not be a member of the board. Thereafter  
15 elections of officers shall occur annually at the January meet-  
16 ing of the board. A majority of the board shall constitute  
17 a quorum. It shall require the affirmative vote of three mem-  
18 bers of said board to carry any motion or resolution, to adopt  
19 any rule, or to authorize the issuance of any license provided  
20 for in this act. The secretary shall receive a salary to be  
21 fixed by the board in an amount not exceeding one thousand  
22 dollars per annum, together with his or her actual and neces-  
23 sary traveling expenses incurred in connection with the per-  
24 formance of the duties of his or her office, and shall give a bond  
25 running to the State of California in such sums and with such  
26 sureties as the board of control may deem proper. The secre-  
27 tary shall keep a record of the proceedings of the board, which  
28 shall at all times during business hours be open to the public  
29 for inspection, and shall also keep a true and accurate account  
30 of all funds received and of all expenditures incurred or  
31 authorized by the board, and on the first day of December of  
32 each year he shall file with the governor a report of all  
33 receipts and disbursements of the board for the preceding  
34 fiscal year.

35 SEC. 4. The board shall have power:

36 (a) To adopt a seal, which shall be affixed to all licenses or  
37 other certificates issued by the board;

38 (b) To adopt from time to time such rules and regulations  
39 not inconsistent with the provisions of this act as the board  
40 may deem proper and necessary for the performance of its  
41 work, copies of such rules and regulations to be filed with the  
42 secretary of state for public inspection;

43 (c) To examine applicants and to issue and revoke licenses  
44 to practice chiropractic, as herein provided;

45 (d) To summon witnesses and to take testimony as to mat-  
46 ters pertaining to its duties; and each member shall have  
47 power to administer oaths and take affidavits pertaining to  
48 this act;

49 (e) To do any and all things necessary or incidental to the  
50 exercise of the powers and duties herein granted or imposed.

51 SEC. 5. It shall be unlawful for any person to practice  
52 chiropractic in this state unless he shall have first obtained

a license as provided in this act. Any person desiring to practice chiropractic shall make application to the board not less than fifteen days prior to any regular meeting thereof, upon such forms and in such manner as may be provided by the board. Each application must be accompanied by a license fee of twenty-five dollars and satisfactory evidence showing good moral character and temperate habits of the applicant. Except in the cases herein otherwise prescribed such applicant shall be a graduate of a chartered chiropractic school or college, approved by the board, which teaches a course of not less than two thousand hours, and file satisfactory evidence of having attended not less than eighty per cent of said two thousand hours.

(In addition to the requirements hereinabove provided for after January first, 1923, every applicant for certificate hereunder shall present to the board at the time of making such application, a diploma from a high school, or proof, satisfactory to the board of preliminary education equivalent in training power to a high school course.)

The schedule of minimum educational requirements to enable any person to practice chiropractic in this state is as follows, to wit, except as herein otherwise provided:

Anatomy -----	600 hours
Histology -----	100 hours
Elementary chemistry and toxicology ---	100 hours
Physiology -----	200 hours
Bacteriology -----	60 hours
Hygiene and sanitation -----	40 hours
Pathology -----	200 hours
Diagnosis or analysis -----	400 hours
Chiropractic theory and practice -----	300 hours
<hr/>	
Total -----	2,000 hours

SEC. 6. (a) The board shall meet as a board of examiners on the first Tuesday following the second Monday of January and July of each year, and at such other times and places as may be found necessary for the performance of their duties. The office of the board shall be in the city of Sacramento. Suboffices may be established in Los Angeles and San Francisco, and such records as may be necessary may be transferred temporarily to such suboffices. Legal proceedings against the board may be instituted in any one of said three cities.

(b) All examinations shall be in writing, except in cases herein otherwise prescribed, and shall be practical in character according to the teachings of chiropractic, and designed to ascertain the fitness of the applicant to practice chiropractic. The subject of said examinations shall be as follows: Anatomy, physiology, pathology, diagnosis or analysis, elementary chemistry and toxicology, bacteriology, histology, hygiene and sanitation, and chiropractic theory and practice. A license shall be granted to any applicant who shall make a general

average of seventy-five per cent, and not fall below sixty per cent in more than two subjects or branches of said examination. Any applicant failing to make the required grade, shall be given credit for the branches passed, and may, without further cost, take the examination at the next regular examination on the subjects in which he failed. For each year of actual practice since graduation the applicant shall be given a credit of one per cent on the general average; but in no case shall the maximum of such credits exceed ten per cent.

SEC. 7. One form of certificate shall be issued by the board of chiropractic examiners, which said certificate shall be designated "License to practice chiropractic," and shall authorize the holder thereof to practice chiropractic in the State of California; provided, however, that said certificate shall not authorize the holder thereof to administer any drugs, or what are known as medicinal preparations, or in any manner penetrate or sever the tissues of human beings, or to practice obstetrics.

SEC. 8. Any person who shall have practiced chiropractic for four years after graduation from a chiropractic school or college, two years of which shall have been in this state immediately preceding the date upon which this act takes effect, or any person who graduated from a chiropractic school or college prior to January 1, 1919, and who shall present to the board satisfactory proof of having pursued a resident course of not less than one thousand hours in a legally chartered chiropractic school or college shall be given an oral, practical and clinical examination, and if he, or she, makes a grade of seventy-five per cent in such examination, the board shall grant a license to said applicant to practice chiropractic in this state under the provisions of this act; *provided, however*, application for said license is made within six months of the date upon which this act takes effect and that each applicant shall pay to the secretary of the board the sum of twenty-five dollars and present his or her diploma and proof of having pursued a resident course in a legally chartered chiropractic school or college, together with satisfactory evidence of good moral character and temperate habits.

SEC. 9. Notwithstanding any provision contained in any other section of this act the board, upon receipt of the fee of twenty-five dollars, shall issue a license to any of the following named persons:

(a) To each member of the board;

(b) To all persons who furnish proof that they have been registered as chiropractic practitioners by examination in some other state, and that they have had five years' experience, and that ~~they~~ are of good moral character and temperate habits; *provided*, that such other state in its examinations requires the same general degree of fitness as is required by examination in this state, and the applicant qualifies in all other respects as is required for registration by examination in this state; and *provided, further*, that such other state in like

anner, grants reciprocal registration to chiropractic practitioners of this state.

10. (a) The board shall refuse to grant, or may revoke, a license to practice chiropractic in this state or may cause a licensee's name to be removed from all records of licensed practitioners of chiropractic in this state, upon any of the following grounds, to wit:

The employment of fraud or deception in applying for a license or in passing an examination as provided in this act; the practice of chiropractic under a false or assumed name; or the personation of another practitioner of like or different name; the conviction of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to incapacitate him for the performance of his professional duties; the advertising of any means whereby the monthly periods of women can be regulated or the menses re-established if suppressed; or the advertising directly, indirectly or in substance, upon any card, sign, newspaper advertisement, or other written or printed sign or advertisement, that the holder of such license or any other person, company or association by which he or she is employed, or in whose service he or she is, will treat, cure, or attempt to treat or cure, any venereal disease; or will treat or cure, or attempt to treat or cure, any person afflicted with any sexual disease, for lost manhood, sexual weakness or sexual disorder or any disease of the sexual organs; or being employed by, or being in the service of any person, company or association so advertising. Any person who is a licentiate, or who is an applicant for a license to practice chiropractic against whom any of the foregoing grounds for revoking or refusing a license is presented to the board with a view of having the board revoke or refuse to grant a license, shall be furnished with a copy of the complaint, and shall have a hearing before the board in person or by an attorney, and witnesses may be examined by the board respecting the guilt or innocence of the accused. The secretary in all cases of revocation shall enter on his register the fact of such revocation, and shall certify the fact of such revocation under the seal of the board to the county clerk of the counties in which the certificates of the person whose certificate has been revoked is recorded; and said clerk must thereupon write upon the margin or across the face of his register of the certificate of such person, the following: "This certificate was revoked on the \_\_\_\_\_ day of \_\_\_\_\_," giving the day, month and year of such revocation in accordance with said certification to him by said secretary. The record of such revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all proceedings of said board in the matter of said revocation.

(b) At any time after two years following the revocation or cancellation of a license or registration under this section, the board may, by a majority vote, reissue said license to the person affected, restoring him to, or conferring on him all the

1 rights and privileges granted by his original license or cer-  
2 tificate. Any person to whom such rights have been restored  
3 shall pay to the secretary the sum of twenty-five dollars upon  
4 the issuance of a new license.

5 SEC. 11. (a) No person licensed under this act shall prac-  
6 tice chiropractic in any county of the state until he or she  
7 shall have first recorded his or her license with the county  
8 clerk of said county in which he or she intends to practice, and  
9 shall have it likewise recorded in the counties into which he  
10 shall subsequently move for the purpose of practicing  
11 chiropractic.

12 (b) The county clerk of each county in this state shall  
13 keep for public inspection, in a book provided for that pur-  
14 pose, a complete list and description of the licenses recorded  
15 by him. When any such license shall be presented to him for  
16 record he shall stamp upon the face thereof his signed mem-  
17 orandum of the date when such license was presented for  
18 record.

19 SEC. 12. Each person practicing chiropractic within this  
20 state shall, on or before the first day of January of each year,  
21 after a license is issued to him as herein provided pay to  
22 said board of chiropractic examiners a renewal fee of two  
23 dollars. The secretary shall, on or before November first of  
24 each year, mail to all licensed chiropractors in this state a  
25 notice that the renewal fee will be due on or before the first  
26 day of January next following. Nothing in this act shall be  
27 construed to require the receipts to be recorded in like man-  
28 ner as original licenses. The failure, neglect or refusal of any  
29 person holding a license or certificate to practice under this  
30 act in the State of California, to pay said annual fee of two  
31 dollars during the time his or her license remains in force,  
32 shall, after a period of sixty days from the first day of Jan-  
33 uary of each year, *ipso facto*, work a forfeiture of his or her  
34 license or certificate, and it shall not be restored except upon  
35 the written application therefor, and the payment to the said  
36 board of a fee of ten dollars, except that such licentiate who  
37 fails, refuses or neglects to pay such annual tax within a  
38 period of sixty days after the first day of January of each  
39 year shall not be required to submit to an examination for the  
40 reissuance of such certificate.

41 SEC. 13. Chiropractic licentiates shall observe and be sub-  
42 ject to all state and municipal regulations relating to the con-  
43 trol of contagious or infectious diseases; ( ) and shall report  
44 any and all matters pertaining to the public health to the  
45 proper health officers.

46 SEC. 14. All moneys received by the board under this act  
47 shall be paid to the secretary of said board, who shall give  
48 a receipt for the same and shall at the end of each month  
49 report to the state controller the total amount of money  
50 received by him on behalf of said board from all sources, and  
51 shall at the same time deposit with the state treasurer the  
52 entire amount of such receipts, and the state treasurer shall



1 place the money so received in a special fund, to be known as  
2 the "state board of chiropractic examiners' fund," which  
3 fund is hereby created. Such fund shall be expended in  
4 accordance with law for all necessary and proper expenses in  
5 carrying out the provisions of this act, upon proper claims  
6 approved by said board or a finance committee thereof.

7 SEC. 15. Any person who shall practice or attempt to prac-  
8 tice chiropractic, or any person who shall buy, sell or fraudu-  
9 lently obtain a license to practice chiropractic, whether recorded  
10 or not, or who shall use the title "chiropractor" or "D. C.,"  
11 or any word or title to induce, or tending to induce belief  
12 that he is engaged in the practice of chiropractic without first  
13 complying with the provisions of this act; (or any licensee  
14 under this act who uses the word "doctor" or the prefix  
15 "Dr." without the word "chiropractor" immediately follow-  
16 ing his or her name, or the use of the letters "M. D." or the  
17 words "doctor of medicine" or the term "surgeon" or the  
18 term "physician," or the word "osteopath" or the letters  
19 "D. O.," or any other letters, prefixes, or suffixes, the use of  
20 which would indicate that he or she was practicing a profession  
21 for which he held no license from the State of California;) or  
22 any person who shall violate any of the provisions of this act,  
23 shall be guilty of a misdemeanor and upon conviction thereof  
24 shall be punished by a fine of not less than fifty dollars and  
25 not more than two hundred dollars, or by imprisonment in the  
26 county jail for not less than thirty days nor more than ninety  
27 days, or both.

28 SEC. 16. Nothing in this act shall be construed to prohibit  
29 service in case of emergency, or the domestic administration  
30 of chiropractic, nor shall this act apply to any chiropractor  
31 from any other state or territory who is actually consulting  
32 with a licensed chiropractor in this state; *provided*, that such  
33 consulting chiropractor shall not open an office or appoint  
a place to receive patients within the limits of this state; nor  
shall this act be construed so as to discriminate against any  
particular school of chiropractic, or any other treatment; nor  
to regulate, prohibit or apply to, any kind of treatment by  
prayer; nor to interfere in any way with the practice of  
religion. Nor shall this act apply to chiropractors who are  
licensed under other acts. The practice of chiropractic within  
the meaning of this act shall be the making of a chiropractic  
analysis or diagnosis and the adjustment by hand of any of  
the articulations of the human vertebral column in the manner  
and by the process known as the chiropractic thrust.

4 SEC. 17. It shall be the duty of the several district attor-  
5 neys of the counties of this state to prosecute all persons  
charged with the violation of any of the provisions of this act.  
It shall be the duty of the secretary of the board, under direc-  
tion of the board, to aid said district attorneys in the enforce-  
ment of the provisions of this act.

1 SEC. 18. Nothing herein shall be construed as repealing

1 the "medical practice act" of June 2, 1913, as amended  
2 April 24, 1915, and April 11, 1917, except in so far as this  
3 act may conflict with the provisions of said act as applied to  
4 chiropractic practitioners licensed under this act, to which  
5 extent any and all acts or parts of acts in conflict herewith  
6 are hereby repealed.

7 SEC. 19. If any section, subsection, sentence, clause  
8 phrase of this act is for any reason held to be unconstitutional  
9 such decision shall not affect the validity of the remain-  
10 ing portion of this act. The legislature hereby declares that  
11 it would have passed this act, and each section, subsection,  
12 sentence, clause and phrase thereof, irrespective of the fact  
13 that any one or more other sections, subsections, sentences, clauses  
14 or phrases be declared unconstitutional.